

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	Case No: 09-40795
)	Jointly Administered
FORUM HEALTH, et al.,)	
)	Chapter 11
Debtors)	
)	Judge Kay Woods
)	
)	

**LIMITED OBJECTION OF INTERNAL MEDICINE
DEVELOPMENT FUND, INC. TO THE DEBTOR'S FIRST
AMENDED CHAPTER 11 PLAN OF LIQUIDATION**

NOW COMES the Internal Medicine Development Fund, Inc.¹ ("IMDF"), by and through counsel, and submits this limited objection to the First Amended Chapter 11 Plan of Liquidation filed by the Debtors herein on May 3, 2011 (Docket No. 1605) (the "Plan"). In support of its limited objection, IMDF states as follows:

Factual Background

1. Forum Health and certain of its affiliated companies (collectively, the "Debtors") filed voluntary petitions for relief under the provisions of chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.* on March 16, 2009 (the "Petition Date").
2. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under U.S.C. §§ 157 (b) (2). The venue of this case and this Limited Objection is proper under 28 U.S.C. §§ 1408 and 1409.
3. Debtor Western Reserve Care System ("Debtor WRCS") was the recipient of certain funds donated by the IMDF or its predecessors to be used for the purpose of purchasing equipment

¹ Fka the Internal Medicine Equipment, Fund, Inc., previously sometimes referred to as the EKG Fund or the Medical Equipment Advisory Committee dating back more than 40 years.

and other charitable expenditures, believed to have a current balance of approximately \$745,000.00 (Exhibit “A”) (the “IMDF Donated Funds”).

4. IMDF and Debtor WRCS entered into a stipulation and agreed order that was entered by the Court on May 12, 2011 (Docket No. 1635) (the “Agreed Order”), acknowledging that the IMDF Donated Funds are restricted in use by donor-designated purposes and are to be used subject to a charitable trust under Ohio Rev. Code § 109.23 *et seq.* and common law.
5. The Agreed Order requires that the IMDF Donated Funds, shall not be paid to creditors of the Debtors’ estates and that such restricted funds, “shall be disposed of only in accordance with the relevant charitable purposes, and in accordance with Ohio law and as authorized by an appropriate probate court order.”
6. The Plan does not expressly state the IMDF Funds shall be re-tasked by probate court order, in accordance with the Agreed Order.

WHEREFORE, unless the Plan is modified to make it consistent with the Agreed Order, IMDF requests that confirmation of the Plan be denied and that it have such other relief to which it may be entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing ***Limited Objection of Internal Medicine Development Fund, Inc. to the Debtor's First Amended Chapter 11 Plan of Liquidation*** was served by first class U.S. mail, postage fully pre-paid this 5th day of July, 2011:

To the parties in interest as set forth on the attached list.

Respectfully submitted,

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